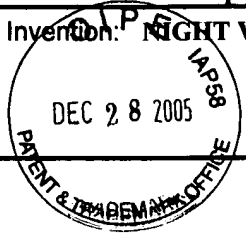




IFW

| | | | | | | |
|--|-------------------------------------|---------------------------------|---|------------------------|--------------------------|--|
| AMENDMENT TRANSMITTAL LETTER (Small Entity) | | | | | Docket No. 0260/US | |
| Applicant(s): STEPHEN D. FANTONE, ET AL. | | | | | | |
| Application No. 10/728/392 | Filing Date DEC. 5, 2005 | Examiner CHRISTOPHER G. WEBB | Customer No. 30333 | Group Art Unit 2878 | Confirmation No. 9248 | |
| Invention: NIGHT VISION APPARATUS | | | | | | |
|  | | | | | | |
| COMMISSIONER FOR PATENTS: | | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | | |
| CLAIMS AS AMENDED | | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE | |
| TOTAL CLAIMS | 17 - | 20 = | 0 | x \$25.00 | \$0.00 | |
| INDEP. CLAIMS | 1 - | 3 = | 0 | x \$100.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 | |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | |
|  FRANCIS J. CAUFIELD REGISTRATION NO. 27,425 6 APOLLO CIRCLE LEXINGTON, MA 02421-7025 | | | Dated: DECEMBER 21, 2005 <div style="border: 1px solid black; padding: 5px;"> I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on DEC. 22, 2005 (Date)  Signature of Person Mailing Correspondence FRANCIS J. CAUFIELD Typed or Printed Name of Person Mailing Correspondence </div> | | | |
| cc: | | | | | | |



CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, Box 1450, Alexandria, VA 22313-1450.

Date: December 22, 2005

Signature: Francis J. Caufield

Francis J. Caufield

Registration No. 27,425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------|---|----------------------------|
| Appl. No. | : | 10/728,392 |
| Applicant | : | Stephen D. Fantone, et al. |
| Filed | : | December 5, 2003 |
| Title | : | NIGHT VISION APPARATUS |
| TC/A.U. | : | 2878 |
| Examiner | : | Christopher G. Webb |
| Docket No. | : | 0260/US |

Mail Stop Amendment
Honorable Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND REQUEST FOR RECONSIDERATION TO
ALLOW APPLICATION**

Sir:

A non-final Office Action was mailed in this application on September 28, 2005 setting a shortened statutory period for a response without extension to expire in three months from the mailing date, or by December 28, 2005. In response to the Office Action, please amend and reconsider the above-identified as follows:

| | |
|--|---------------------------------|
| Amendments To The Specification | - None. |
| Amendments To The Claims | - Begin in page 2. |
| Amendments To The Drawings | - None |
| Remarks/Arguments | - Begin on page 5 of this paper |